IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION NO : 13570 of 2004

Between:

Shaik Safiya Begum, W/o Late Mohaboob Ali.
R/o D. No. 17-4-9, 1st Lane, Anandapet, Guntur

..... PETITIONER

AND

Municipal Corporation of Guntur, rep by Commissioner, Guntur-522 001

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus directing the respondent to regularise and register the petitioner plot situated in Anandapeta, T.S.No. 793, 795, Block NO. 4 Ward No.9 Guntur Municipality Plot No.7, Presently given the Municipal Door No. 17-4-9, 1st lane, Anandapet, as per the compliance of the Notice in Rc. No. 366/76.G3 dated 29-11-1985 issued bythe respondent under G.O.Ms. No. 387 Municipal Administration dated 14-8-1985.

Counsel for the Petitioner: MR.R.PRABHAKAR

Counsel for the Respondent: MR.T.S.VENKATA RAMANA

The Court made the following at the Admission stage:

ORDER:

The petitioner claims to be in possession of House bearing No.17-4-9 in T.S.No.793, 795, Block No.4, Ward No.9, Plot No.7 of Guntur. The petitioner alleges that her husband occupied the land in 1985 and raised house in the land admeasuring 162 square yards. During the life time of husband of the petitioner, the respondent issued a notice dated 29.11.1985 demanding an amount of Rs.3,240/- (Rupees three thousand two hundred and forty only) allegedly for regularisation and registration of the land in favour of the petitioner's husband in accordance with guidelines issued by the Government in G.O.Ms.No.387 dated 14.08.1985. It is also alleged that the amount demanded was paid and the house was given door number.

It is the further case of the petitioner that at the behest of political rivals, when an attempt was made by the respondent to dispossess the petitioner, she filed a suit being O.S.No.1652 of 2004 on the file of Court of the III Junior Civil Judge, Guntur, for permanent injunction. She also filed interlocutory application being I.A.No.902 of 2004 for appointment of advocate commissioner, who, as stated, submitted a report confirming the possession of the petitioner. It is now alleged that in spite of the same, the respondent is taking steps for demolishing the house in highhanded manner. Hence, the writ petition is filed.

It has been held repeatedly by the Courts that when a person avails an alternative remedy by way of suit, appeal or revision, ordinarily a writ petition would not be maintainable. The petitioner has already filed the suit and if any order is passed, it would prejudice the interests of the defendant, as well as in a given case, the interest of the petitioner. Therefore, no opinion can be expressed on the right of the petitioner and/or claim of the petitioner for regularization. The petitioner may approach the Civil Court and move appropriate application for a prohibitory order.

The writ petition, with the above observations, is dismissed.

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(V.V.S.RAO,J)

03.08.2004.

pln

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Commissioner, Municipal Corporation of Guntur, Guntur Dist.

2. 2 CD copies.